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09/465,607

12/17/1999

TIMOTHY M. KEISER

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INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/465,607	Applicant(s) KEISER ET AL.	
	Examiner Clement B. Graham	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/17/10, 8/30/10</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22, has been cancelled and replaced by claims 23-69.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traub et al (Hereinafter Traub , U.S Patent 6, 058, 377 in view of Shepherd U.S Patent 5, 970, 479).

As per claims 23, 29, Traub discloses a method, comprising:
setting, using a computing device, an initial price for a derivative financial instrument, in which setting the initial price comprises, setting the initial price for the derivative financial instrument based at least in part on a potential revenue (Note abstract and see column1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach receiving via a remote device a first order to buy the derivative financial instrument, the derivative financial instrument comprising a stock for trading over a network, receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price.

However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified future events. The entities submit such orders to a `system` which seeks to price and match the

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most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to include receiving via a remote device a first order to buy the derivative financial instrument, the derivative financial instrument comprising a stock for trading over a network, receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item, the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach that the revenue is box office revenue, and the financial instrument is associated with a movie in an entertainment industry.

However a potential box office revenue that is based on a movie in an entertainment industry and is associated with a financial instrument would be representative of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie .

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include office and a movie, because financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie.

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As per claim 24, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 25, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 26, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 27, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 28, Traub discloses in which the virtual currency comprises Hollywood dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 30, Traub discloses further comprising: offering the derivative financial instrument at the initial price (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 31, 36, Traub discloses an apparatus, comprising: a processor, and a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to, set an initial price for a derivative financial instrument, in which setting the initial price comprises, setting the initial price for the derivative financial instrument based at least in part on a potential revenue (Note abstract and see column1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach receive via a remote device a first order to buy the derivative financial instrument the derivative financial instrument comprising a stock for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and execute a trade of the derivative financial instrument at the set market price.

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However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified future events. The entities submit such orders to a `system` which seeks to price and match the most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to include receive via a remote device a first order to buy the derivative financial instrument the derivative financial instrument comprising a stock for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and execute a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach a movie in an entertainment industry, box office for a movie.

However a potential box office revenue that is based on movie, in an entertainment industry and is associated with a financial instrument would be representative of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie .

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include office and a movie, because financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie.

As per claim 32, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 33, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 34, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 35, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 37, Traub discloses in which the memory further stores instructions which, when executed by the processor, direct the processor to, offer the derivative financial instrument at the initial price (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 38, 43, Traub discloses an article of manufacture, comprising:
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:
set an initial price for a derivative financial instrument, in which setting the initial price comprises, setting the initial price for the derivative financial instrument based at least in part on a potential revenue (Note abstract and see column1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative

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financial instrument comprising a stock for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and execute a trade of the derivative financial instrument at the set market price.

However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified future events. The entities submit such orders to a `system` which seeks to price and match the most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and execute a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach a movie in an entertainment industry, box office for a movie.

However a potential box office revenue that is based on movie, in an entertainment industry and is associated with a financial instrument would be representative of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example

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bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie .

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include office and a movie, because financing a movie is no different than financing bridges because the fees (i. e, potential revenue”) that is paid by the patrons that attend the movie would be used in paying off the revenue bond that was used to finance the movie.

As per claim 39, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 40, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 41, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 42, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 44, Traub discloses in which the storage medium further stores instructions which, when executed by the processor, direct the processor to, offer the derivative financial instrument at the initial price (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 45, 53, Traub discloses a method, comprising: setting, using a computing device, an initial price for a derivative financial instrument, in which setting the initial price comprises, setting the initial price for the derivative financial instrument; (Note abstract and see column1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach comprising a bond for trading over a network, receiving via a remote device a first order to buy the derivative financial instrument the derivative financial instrument receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price.

However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified future events. The entities submit such orders to a `system` which seeks to price and match the most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to include comprising a bond for trading over a network, receiving via a remote device a first order to buy the derivative financial instrument the derivative financial instrument receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach based at least in part on a popularity rating for the movie talent in the entertainment industry.

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However a popularity rating for the movie talent in the entertainment industry that is associated with a financial instrument would be consistent of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie or movie talent based on popularity rating is no different than financing bridges because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i. e, potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include based at least in part on a popularity rating for the movie talent in the entertainment industry, because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i. e, potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

As per claim 46, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 47, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 48, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 49, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 50, Traub discloses in which the virtual currency comprises Hollywood dollars (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 51, Traub discloses further comprising:
determining, using the computing device, a net price movement of the market price, stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 52, Traub discloses further comprising: offering the derivative financial instrument at the initial price (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 54, 59, Traub discloses an apparatus, comprising: a processor and a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to, set an initial price for a derivative financial instrument that represents a, in which setting the initial price comprises, setting the initial price for the derivative financial instrument (Note abstract and see column 1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and execute a trade of the derivative financial instrument at the set market price.

However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified

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future events. The entities submit such orders to a `system` which seeks to price and match the most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to include the derivative financial instrument comprising a bond for trading over a network, receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach based at least in part on a popularity rating for the movie talent in the entertainment industry.

However a popularity rating for the movie talent in the entertainment industry that is associated with a financial instrument would be consistent of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie or movie talent based on popularity rating is no different than financing bridges because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i. e, potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include based at least in

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part on a popularity rating for the movie talent in the entertainment industry, because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i.e., potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

As per claim 55, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 56, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 57, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 58, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 60, Traub discloses in which the memory further stores instructions which, when executed by the processor, direct the processor to, offer the derivative financial instrument at the initial price (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 61, Traub discloses in which offering the derivative financial instrument at the initial price comprises, issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 62, 67-69, Traub discloses an article of manufacture, comprising: a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to, set an initial price for a derivative

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financial instrument in which setting the initial price comprises, setting the initial price for the derivative financial instrument (Note abstract and see column 1 lines 29-34 and column 6 lines 31-56 and column 7 lines 21-39).

Traub fails to explicitly teach receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network, receive via the remote device a second order to sell the derivative financial instrument, set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and execute a trade of the derivative financial instrument at the set market price.

However Shepherd discloses the invention encompasses methods and apparatus enabling the management of risk relating to specified, yet unknown, future events by enabling entities (parties) to reduce their exposure to specified risks by constructing compensatory claim contract orders on yet-to-be-identified counter-parties, being contingent on the occurrence of the specified future events. The entities submit such orders to a `system` which seeks to price and match the most appropriate counter-party, whereupon matched contracts are appropriately processed through to their maturity (see column 4 lines 13-67 and column 5 lines 1-24 and column 9 lines 41-55 and column 18 lines 5-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub to include the derivative financial instrument comprising a bond for trading over a network, receiving via the remote device a second order to sell the derivative financial instrument; setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication and executing a trade of the derivative financial instrument at the set market price taught by Shepherd in order to match and trade financial instruments.

Further when buyers and sellers are engaged in a trade of item the market price is the value of an asset on the price it would demand on an open market, which represent the price the asset the is being bought or sold taught by Shepherd in order to match and trade financial instruments.

Traub and Shepherd fail to explicitly teach based at least in part on a popularity rating for the movie talent in the entertainment industry.

However a popularity rating for the movie talent in the entertainment industry that is associated with a financial instrument would be consistent of a revenue bond, because revenue bonds are issued by entities or institutions to finance different projects for example bridges, movies, and road projects, and the revenue generated (i. e, potential revenue”) from motorist using the bridge and paying tolls are committed to paying off the revenue bond, therefore financing a movie or movie talent based on popularity rating is no different than financing bridges because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i. e, potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Traub and Shepherd to include based at least in part on a popularity rating for the movie talent in the entertainment industry, because a movie talent may attract more than normal attendance by patrons, based the talent on the popularity rating which will in return constitute more than normal revenue generated and those revenue (i. e, potential revenue”) that is paid by the patrons that attend the movie with a great talent would be used in paying off the revenue bond that was used to finance a talent in the movie, creating a be greater a financial gains of an investor.

As per claim 63, Traub discloses in which the network comprises the Internet (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 64, Traub discloses in which the set market price is presented by electronic currency (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 65, Traub discloses in which the electronic currency comprises actual dollars (Note abstract and see column1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 66, Traub discloses in which the electronic currency comprises virtual currency (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

As per claim 68, Traub discloses in which the memory further stores instructions which, when executed by the processor, direct the processor to, offer the derivative financial instrument at the initial price (Note abstract and see column 1 lines 21-34 and column 2 lines 14-25 and column 6 lines 31-56 and column 7 lines 21-39 and, 46-54).

Conclusion

RESPONSE TO ARGUMENTS

4. Applicant's arguments filed 8/16/10 have been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG

Oct 22, 2010

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691